



# **Student Positive Behaviour and Discipline Procedures**

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Date: August 2020

Review Date: August 2023

Equality Impact Assessment Date: August 2020

## History of Changes

Version	Description of Change	Authorised by	Date
1.1	Addition of History of Change log and update to 2.4 and 2.5 to include (viii)	J Stalker	30-3-17
1.2	Addition of direction towards letter templates in Guidance document	J Stalker	14-3-18
1.3	Amendment to extend no of days to conduct disciplinary investigation and disciplinary meeting to accommodate non-routine situations for distance/part time students	J Stalker	11-07-18
1.4	Amendment to 1/1.1 to clarify scope of the procedure and include table of examples.  Amendment to 2.5 to clarify where students are given information on the procedure.	J Stalker	12-10-18
1.5	Addition of Inclusiveness statement, amendment to job role titles, and clarification on conduct relating to drug misuse.	S Fraser	13-8-2020
1.6	Addition of clarification on what information can be shared where a police investigation has been initiated.	B Brownlee	18-2-2022

West Lothian College is an inclusive organisation and all policies, procedures, strategies, plans, provisions, criteria, functions, practices and activities, including decisions and the delivery of services are assessed to consider the impact on staff and students covered by the Equalities Act 2010 by the completion of an Equalities Impact Assessment (EIA). Protected characteristics are defined as age, disability, gender reassignment, marriage or civil partnership (in employment only), pregnancy and maternity, race, religion or belief, sex, sexual orientation.

Please see end of this document for EIA.

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## **1 Introduction**

West Lothian College promotes positive behaviours and respectful attitudes between staff and students to add value to the learning experience and to the benefit of all students.

To maximise the educational and development opportunities of all students and in response to student feedback, the college has produced the following procedure to ensure that staff and students can raise concerns about behaviours and attitudes that are not appropriate and have the matter dealt with in a positive and speedy manner.

### **Scope and Purpose of the Procedure**

This procedure covers all enrolled students.

The procedure lays out the process that may be applied by college staff where a student does not exhibit positive behaviours. The procedure also details the type of action that may be taken to address different degrees of poor behaviour.

In the first instance, staff and students will endeavour to resolve concerns raised about poor behaviours and/or attitudes at an informal level. If the matter is not resolved informally, staff will implement this procedure on a formal basis and students involved will be made aware of the potential consequences of continued poor behaviours and/or attitudes.

The procedure will be subject to review in 2023. The review will be undertaken in consultation with the Student Association and student ambassadors to ensure the procedure continues to meet the needs of the student body.

This procedure is supported by guidance notes to assist implementation. These are located in the College Document Control System under Quality Policies and Procedures and are available to students through the Student Association website section on Policies and Procedures, or on request. Students are also informed about this procedure through the centre induction process and the Learning Agreement.

The undernoted table outlines the possible behaviours that would be deemed to be a Breach of Positive Behaviour and the degree of that breach. It should be noted that the degree of breach can vary from minor to major and that the possible actions taken will vary accordingly. For example, a student who wilfully damages college property in a minor way may be given a written warning on the first occasion but may ultimately be expelled from college if the behaviour persists. Equally, a student who seriously damages college property may be expelled from college even though it is the first time the student has committed such a breach.

The table also outlines the potential actions that college staff may take to address the breach and the possible consequences that the breach may have on the student and their ability to remain on course and attain their qualification:

<b>Nature of Breach in Positive Behaviour</b>	<b>Degree of Breach</b>	<b>Potential Actions to be taken/consequences to the student</b>
Poor timekeeping	Minor	Verbal warning Written warning Non-attainment of the qualification
Poor attendance	Major	Written warning Loss of student funding Non-attainment of the qualification
Poor classroom/college behaviour that causes disruption or upset to other students	Major	Written warning Expulsion Loss of student funding
Verbal and/or physical abuse of other students and/or college staff	Gross	Suspension Expulsion Loss of student funding
Plagiarism	Major	Written warning Withdrawal of the qualification
Misuse of social networks to abuse or harass other students and/or the college	Gross	Suspension Expulsion Loss of student funding
Misuse of Drugs and/or Alcohol	Gross	Suspension Expulsion Loss of student funding
Wilful damage to college property	Major	Written warning Expulsion Loss of student funding

### **1.1 Suspension – Action prior to invoking the disciplinary procedure**

The College reserves the right to suspend an individual where the degree of the alleged offence/breach of discipline is deemed to be of a serious nature and to the extent that an appropriate level of investigation requires to be undertaken before deciding whether or not to invoke the disciplinary procedure. If appropriate, a student's school/employer/sponsor will be notified.

## **2 Discipline Procedure**

2.1. The procedure encourages staff and students to address poor behaviour/attitudes informally and before invoking the formal disciplinary procedure.

- 2.2. The procedure is designed to ensure that a fair and consistent approach is adopted when disciplinary action is to be taken against a student.
- 2.3. The procedure is designed to cover situations which may require formal disciplinary action.
- 2.4. In the case of school pupils attending the college, it is important to involve the relevant Faculty Director, Schools and Community Planning Officer and advise the appropriate Schools Liaison contact. This includes involvement at the “suspension” stage.
- 2.5. A student has the right of appeal at each stage of the disciplinary procedure but may not attempt to circumvent the disciplinary procedure by lodging a written complaint.

Complaints received while a student is part of a disciplinary action will not be accepted as valid.

- 2.6. A student would be deemed to be in breach of college discipline where they have breached their Learning Agreement with the college. This may include:
  - (i) Inappropriate conduct, such as poor timekeeping and lack of attendance resulting in poor progress
  - (ii) The student obstructs or frustrates the ability of others to achieve their legitimate learning or recreational objectives
  - (iii) A student’s behaviour or conduct during a college day is unacceptable or of a disruptive nature, including verbal or physical abuse and misuse of drugs and/or alcohol
  - (iv) The student causes wilful damage to college property or neglects to adhere to the regulation in respect of which he/she may acquire a loan of college property
  - (v) The student is guilty of such behaviour as would bring the reputation of the college into disrepute, including verbal and physical abuse and inappropriate use of social networks
  - (vi) The student is guilty of abuse or harassment of another individual through inappropriate use of social networks
  - (vii) The student has been involved in academic misconduct
  - (viii) The student is guilty of such behaviour as would bring the reputation of the college into disrepute, including verbal and physical abuse and abuse of drugs and/or alcohol while taking part in external organised activities or international mobility opportunities

### **Use of Illegal Drugs**

Students are reminded that it can be dangerous to take any drugs other than under medical direction.

The Misuse of Drugs Act (1971) covers three categories of drugs:

- Class A Drugs (This category includes LSD, ecstasy, heroin and cocaine)
- Class B Drugs (This category includes amphetamines, barbiturates and other weaker opiates, ketamine and cannabis)
- Class C Drugs (This category includes a number of other weaker sedatives and stimulants and psychoactive substances referred to as legal highs)

The unauthorised possession, use and supply of these drugs are criminal offences. Possession of a Class A drug currently carries a sentence of up to seven years imprisonment, while supplying or producing drugs in this category carry a sentence of up to life imprisonment.

Possession, use and supply are regarded as very serious matters by the college and any student involved will be reported to the police. This applies particularly to any student found to be using, dealing or in possession of any Class A Drug. It also applies to any student found to be dealing or repeatedly in possession of any of the Classes of Drugs above. This approach is in line with the current policy of the Police. The college's policy is also to co-operate fully with the Police in any investigation. Students should also be aware that if the college were knowingly to permit drug offences to take place on its premises, it would itself be liable under the Act.

At the same time, the college wishes to offer all possible support to students seeking medical or counselling help regarding drug taking. Those aware of being at risk of drug or other substance abuse are encouraged to seek advice from the Student Support Team/college Counselling Service, Managers, Lecturers, the Student Association, or the college Chaplaincy Team.

- 2.7 The acceptance of college rules is a pre-requisite for registration in the college and each student will have received notice of the existence of such rules during student induction. The procedure is available to students through the Student Association website.
- 2.8 The student shall have the nature of the complaint fully explained to him/her and shall be given an adequate opportunity to prepare and present his/her case prior to any disciplinary action being taken. An investigation of a contested allegation will be undertaken. The exception to this explanation is where a police investigation has been initiated, where detailed explanation may prejudice the investigation. Once the police investigation is concluded, the process can be resumed with a fully explanation.
- 2.9 The student shall be entitled to be accompanied at any disciplinary hearing by a student representative or any person of his/her choice. The student's employer/sponsor or school shall be invited to the meeting. Notwithstanding the provisions of this paragraph, no legal representation shall be permitted.

2.10 The student shall be notified in writing as to the findings of the hearing and what action, if any, is to be taken against him/her. A copy of this letter will also be sent to the student's employer/sponsor/school. The student will be advised of the right of appeal, if appropriate.

2.11 Where action is to be taken, the seriousness of the offence will determine this. Actions may include:

- (i) a verbal warning
- (ii) a written warning
- (iii) reduction of marks or zero marks
- (iv) withdrawal of unit
- (v) a final written warning
- (vi) expulsion (which can only be exercised by the Principal, the appropriate Vice Principal or in exceptional circumstances by a person so designated by the Principal).

### **3 Appeals Procedure**

An individual or student group will have the right of appeal at any stage of the disciplinary procedure. No member of staff who has been involved in an earlier stage of the disciplinary procedure will be present to hear an appeal but will be able to give evidence, if required, or to put the case for the college.

If the appeal is against expulsion, this will be to the Principal.

There is no further right of appeal.

### **4 Documentation**

Read in conjunction with

**Guidance notes Student Positive Behaviour and Disciplinary Procedure containing:**

- MODEL LETTER 1:  
Notification of Suspension
- MODEL LETTER 2:  
No further action following suspension or disciplinary meeting
- MODEL LETTER 3:  
To call a disciplinary meeting
- MODEL LETTER 4:  
Confirmation of Written/Final Written Warning following Disciplinary Meeting

- MODEL LETTER 5:  
Stage 4 - Notification of Expulsion

## **The Academic Malpractice Policy and Procedure V1.9**

## Procedural Timetable

The following table identifies actions and disciplinary stages which are progressive in nature. However, it should be noted that disciplinary action does not have to progress through each stage, but is subject to the seriousness of breach of conduct. Should any stage take longer than the prescribed time, then all parties concerned should be informed of the delay with a new date for action/meeting. Number of days in brackets may be applied where the disciplinary involves a distance learning student who is not located on campus.

Action	By Whom	To be completed within X College days where X =	Model Letter	Student's Right of Appeal submitted in writing within Y College days following receipt of warning where Y =	Appeal heard by
Suspension	Faculty Director		1		
Investigation Procedure following suspension	Faculty Director	5 (10)			
Disciplinary meeting, following suspension and investigation, if applicable	Faculty Director	3 (6)	2 or 3		1 Executive Leadership Team member + 1 manager
Stage 1 - Verbal Warning	Lecturer	3	n/a	3	Faculty Director
Stage 2 - Written Warning	Learning and Skills Manager	5	4 or 5	5	Alternative Faculty Director or other designated College Manager
Stage 3 - Final Warning	Faculty Director	5	4 or 5	10	Executive Leadership Team
Stage 4 - Expulsion	Vice Principal	5	n/a	10	Principal

## Equality Impact Assessment

Before carrying out an EIA, you should familiarise yourself with the College's EIA Policy Statement and Guidance, along with further information and resources which are available on iShare

EIA covers strategies, policies, procedures, plans, provisions, criteria, functions, practices and activities, including decisions and the delivery of services, but will be referred to hereinafter as 'policy/practice'.

<b>Policy/Practice (name or brief description):</b>	<b>Student Positive Behaviour and Discipline Procedure and Guidance</b>
<b>Strategy/Policy includes Equalities Statement of Inclusiveness? Yes</b>	<b>Text to be included in strategy/policy:  Statement of Inclusiveness</b>
<b>Reason for Equality Impact Assessment (choose from the following options):</b>	
<ul style="list-style-type: none"> <li>• <b>Proposed new policy/practice</b></li> <li>• <b>Proposed change to an existing policy/practice</b></li> <li>• <b>Undertaking a review of an existing policy/practice</b></li> <li>• <b>Other (please give detail):</b></li> </ul>	<ul style="list-style-type: none"> <li>• Undertaking a review of an existing policy/practice</li> </ul>
<b>Person responsible for the policy area or practice:</b>	
<b>Name:</b>	<b>Beth Brownlee</b>
<b>Job title:</b>	<b>Head of Service: Quality, Student Support and Learning Resources</b>
<b>An Equality Impact Assessment must be carried out if the policy/practice:</b>	
<ul style="list-style-type: none"> <li>• <b>affects operational or strategic functions of the College</b></li> </ul>	

<ul style="list-style-type: none"> <li>is relevant to the promotion of equality (in terms of the Public Sector Equality Duty 'needs' as set out in the Policy and Guidance)</li> </ul>	
Why the EIA is being carried out	Undertaking review if an existing policy/practice
<b>Equality Groups</b> <b>Relevant to the Policy/Practice, identify which of the undernoted equality groups are impacted upon:</b>	
<ul style="list-style-type: none"> <li>Age</li> <li>Disability</li> <li>race (including ethnicity and nationality)</li> <li>religion or belief</li> <li>sex</li> <li>sexual orientation</li> <li>gender reassignment</li> <li>pregnancy and maternity</li> <li>marriage or civil partnership</li> </ul>	<p>All of these groups are impacted in that the policy covers all students.</p> <p>The procedure is designed to ensure student discipline is applied fairly and consistently to the learner regardless of whether the learner has one or more protected characteristic. The guidance is intended to support users in valid and fair application of procedure</p>

**Record your assessment against the following statements:**

Statement	Equality assessment
Detail the evidence of the needs of the identified equality groups and any gaps in information	Identified equality groups will be identified through information gathered from each individual case. Individual student needs are assessed when each case is processed.
Will application of this policy/practice lead to discrimination (direct or indirect), harassment, victimisation, less favourable treatment for particular equality groups?	No
If yes, how will the policy/practice be changed to contribute to advancing equality of opportunity	
State how this policy/practice will foster good relations:	There is no perceived negative impact on any particular group, or individual, as this procedure is designed to ensure that any and all disciplinary matters are dealt with fairly and speedily and with equal status given to all students
Will the policy/practice create any barriers for any other groups?	No

<b>If yes, how will the policy/practice be changed to contribute to advancing equality of opportunity</b>	N/A
<b>Which equality groups or communities have been consulted in the development and review of this policy/practice?</b>	None

<b>Equality Impact Assessment Outcome</b> Select one of the four options below to indicate how the development/review of the policy/practice will be progressed and state the rationale for the decision. (Delete the options that do not apply):	
<b>Option 1: No change required – the assessment is that the policy/practice is/will be robust.</b>	Option 1: No change required – the assessment is that the policy/practice is/will be robust.
<b>Monitoring</b>	
<b>When will the policy/practice next be reviewed?</b>	<b>August 2023</b>
<b>Publication of EIA</b>	
<b>Can this EIA be published in full, now? Please state Yes or No</b>  <b>If No – please specify when it may be published or indicate restrictions that apply:</b>	<b>Yes</b>
<b>Sign-off</b>	
<b>EIA undertaken by</b>  <b>Name:</b> <b>Date:</b>  <b>Accepted by person responsible for the policy/practice named above:</b>  <b>Name:</b> <b>Date:</b>  <b>Approved by Equalities Committee</b>  <b>Date:</b>	<b>Shelagh Fraser</b> <b>13-8-2020</b>   <b>Beth Brownlee</b> <b>13-8-2020</b>

**Retain a copy of this form for your own records and attach a copy to the bottom of the document to which it refers. Send to [lbyrne@west-lothian.ac.uk](mailto:lbyrne@west-lothian.ac.uk) for review and publication.**